



44
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,481	09/26/2003	Paul Moshenrose	20501/526	8242
32847	7590	08/14/2006		
THE OLLILA LAW GROUP LLC 2060 BROADWAY SUITE 300 BOULDER, CO 80302				
			EXAMINER SNIDER, THERESA T	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,481

Applicant(s)

MOSHENROSE, PAUL

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 4 and 8 recite limitations that have been previously recited in the claim they are dependent on.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3-5, 7-11, 13-15 and 17-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Senné.

Senné discloses a chassis and handle (fig. 1, #13, col. 3, lines 45-51).

Senné discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (fig. 2, #24, col. 2, lines 32-35).

With respect to claims 1, 7 and 17, Senné discloses a vacuum port in the chassis and communicating with the agitator (figs. 2-3, #38,24).

With respect to claims 3, 5, 13 and 15, Senné discloses one or more collection bins attached to the chassis and positioned to receive debris from the agitator and in communication with the vacuum port (fig. 3, #12,13).

Art Unit: 1744

With respect to claims 4, 8, 14 and 18, Senné discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 2, #39).

With respect to claims 9, 19 and 21-22, Senné discloses the bins removably attached to the chassis (col. 4, lines 24-25).

With respect to claims 10 and 20, Senné discloses the bins are formed in the chassis (fig. 2, #12,13).

With respect to claims 11 and 15, the apparatus of Senné would inherently provide the claimed methods.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lilly.

Lilly discloses a chassis and handle (fig. 1, #10,57).

Lilly discloses one or more agitators rotatable affixed to the chassis and rotated by movement of the chassis (figs. 3-4, #41, col. 3, lines 62-66).

Lilly discloses a vacuum port in the chassis and communicating with the agitator (fig. 3, #52,53).

With respect to claims 4, Lilly discloses the vacuum port adapted to receive a vacuum cleaner hose (fig. 1, #58).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2, 6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senné as applied to claims 1 and 5 respectively above, and further in view of Sovis et al..

Senné discloses a similar sweeper however fails to disclose a removable cover for the port.

Sovis et al. discloses a floor care appliance with a vacuum port having a removable cover (fig. 2, #134,140). It would have been obvious to one of ordinary skill in the art to provide the removable cover of Sovis et al. in Senné to ensure there is no leakage around the port when not in use to allow for the most effective collection of dirt.

Response to Arguments

7. Applicant's arguments filed 5/19/2006 have been fully considered but they are not persuasive. Applicant argues the objection to claims 4 and 8 is inappropriate because a 'vacuum hose' is different than a 'vacuum cleaner hose'. This is not persuasive because page 5, lines 2-3 discloses the port accepting 'a typical vacuum hose of a standard household vacuum cleaner'. There appears to be no distinction in the specification of a 'vacuum cleaner hose' and a 'vacuum hose'. If Applicant feels there is a distinction, perhaps an objection to the specification, rather than the claims, is more appropriate for failing to provide antecedent basis for the claimed subject matter.

Applicant argues neither Senné nor Lilly disclose a vacuum port independent of the handle. This argument is not persuasive because the handle and the vacuum ports are two distinct elements, the handle being inserted into the vacuum port. Therefore, the vacuum ports in both Senné (col. 3, lines 37-39) and Lilly (fig. 3, #56,57) are 'independent' of the handle.

Art Unit: 1744

Applicant argues Sovis et al. fails to disclose a cover for a vacuum port but rather discloses a valve for redirecting suction from one passageway to another. This argument is not persuasive because, while the cover/valve of Sovis et al. may be redirecting suction it is also covering a vacuum port to prevent usage thereof (col. 6, lines 43-52).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

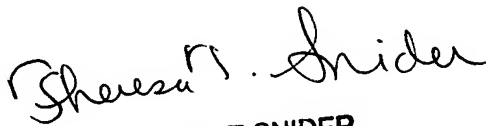
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**THERESA T. SNIDER
PRIMARY EXAMINER**

Theresa T. Snider
Primary Examiner
Art Unit 1744

8/7/2006